

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Gopferich et al.	/	
	/	
U.S. Serial No: 10/019,797	/	Group Art Unit: 1618
	/	
Filed: July 26, 2002	/	Examiner: SILVERMAN, ERIC E
	/	
For: BIODEGRADABLE BLOCK	/	
COPOLYMERS WITH MODIFIABLE	/	
<u>SURFACE</u>	/	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Dear Sir:

Responsive to the Examiner's Office Action of December 17, 2008, Applicants hereby elect, without traverse, for prosecution on the merits Species 1, corresponding to the embodiment encompassed by claims 1-3, 5, 9-33, 36-38, 41-44 and 63-66. Applicants submit that claim 37 reads on the selected species since it recites that the at least one free functional end group (FFEG) is bound or suitable for being bound with the surface-modifying substance (SMS). In other words, the claim 37 recitation of an FFEG being bound or suitable for being bound with an SMS does not appear to conflict with the claim 1 recitation of an FFEG being capable of covalently binding with an SMS.

Applicants respectfully submit that the application is now in condition for a first action on the merits, and requests that such be done at an early date. Should the Examiner believe that a telephone conference with Applicants' representative would be helpful to advance the prosecution of the application, he is invited to contact the undersigned with any questions.

The Commissioner is hereby authorized to charge any needed fees to Deposit Account 50-1600.

Respectfully submitted,



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Dated: January 16, 2009

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